

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Gilbert Navarez

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Christopher Evans, 220 Locust St, Phila Pa 215 824-6446

DEFENDANTS City of Philadelphia
Officer Christopher Holmes
County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 2 U.S. Government Defendant

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983

Brief description of cause: Wrongful Arrest

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER MAR 23 2015

DATE March 23, 2015

SIGNATURE OF ATTORNEY OF RECORD S.T.

UNITED STATES DISTRICT COURT

15

1471

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff:

Address of Defendant:

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number:

Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☒ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Christopher EVARTS, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE:

March 23, 2015

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAR 23 2015

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE:

Attorney-at-Law

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Gilbert Navaroz
v.
City of Philadelphia, Officer
Hulme

CIVIL ACTION

15 **1471**
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

March 23, 2015
Date

Christopher E. CARD
Attorney-at-law

Gilbert Navaroz
Attorney for

215 870-6126

Telephone

FAX Number

Rutgers 11.
E-Mail Address *901.com*

MAR 23 2015

LDD

15400
Christopher Jay Evarts, Esq
220 Locust St, Suite 7c
Philadelphia, Pa 19106

IN THE EASTERN DISTRICT OF PENNSYLVANIA

Gilbert Nevarez
515 Westmoreland St
Philadelphia, Pa 19140

CIVIL ACTION COMPLAINT NO

15 1471

Vs

City Of Philadelphia,
Law Department
1515 Arch St
Philadelphia, Pa 19102

And

Officer Christopher Hulmes
Philadelphia Police Department
City Of Philadelphia
1515 Arch St
Philadelphia, Pa 19102

JURISDICTION AND VENUE

1 The enclosed lawsuit falls under 42 U.S.C. 1983, 1985, 1986 and 1988, 28 USC 1331 and 1367(a) supplemental jurisdiction. Venue is appropriate in the federal district because defendants reside in this district and or conduct business in this District

FACTS OF THE CASE

2 Plaintiff Gilbert Nevarez was sentenced in Philadelphia Court Of Common Pleas on September 20, 2012 to a sentence of 3 to 8 years for Possession with Intent To deliver and related offenses . Mr Nevarez served a total of 27 months

3 Mr Nevarez Conviction was based on the false testimony of an officer Christopher Hulmes that he observed Mr Nevarez on April 20 ,2011 that he observed Nevarez standing on southeast corner of Mascher and Cambria Streets where he allegedly engaged in a drug transaction between individuals Powell and Manhart.

4 Mr Nevarez was found to not have any drugs or money on his person when arrested and was not selling or purchasing drugs at the time but was visiting his girlfriend

5 Officer Christopher Hulmes testimony was false. In August 2014, the City Of Philadelphia acknowledged that he was testifying falsely in drug cases and removed him from observing and making arrests in drug transactions. Officer Hulmes was put on desk duty in August 2014 Officer Hulmes admitted that in 2011 he lied under oath to obtain a May 2010 search warrant and during the drug and weapon case of Arthur Rowland which caused The Honorable James Murray Lynn to suppress evidence In January 2012 and call his actions reprehensible

PARTIES

6 The Plaintiff and and defendants are residents of the City Of Philadelphia and are residents of this Judicial district

COUNT 1

VIOLATION OF 42 USC 1983, FALSE ARREST

7 Plaintiff incorporates by reference paragraphs 1-6 in the complaint

8 The City of Philadelphia and officer Hulmes violated 42 section 1983,1985.1986.1988 by depriving the plaintiff of his constitutional rights by engaging in a false arrest of a Unites States ciitizen.Officer Hulmes was acting under the color of state law when he made the illegal arrest of Gilbert Nevarez Officer Hulmes engaged in an illegal search and seizure violating the plaintiffs constitutional rights

9.The City acknowledged that Hulmes was making false arrests in august 2014 when the City Of removed him from making drug arrests and confined him to desk duty

10 August 2014 was the first time that the city officially acknowledged illegal behavior of officer Hulmes

COUNT 2

Violation of 42 USC 1983 FALSE IMPRISONMENT

11 Plaintiff incorporates paragraphs 1-10 of the complaint

12 The City Of Philadelphia and Officer Hulmes engaged in false imprisonment for arresting and imprisoning Mr Nevarez for 27 months without probable cause which violated the plaintiffs due process rights.

13 Officer Hulmes was acting under state law when he made the illegal arrest of Gilbert Nevarez

COUNT 3

VIOLATION OF SECTION 1983, MALICIOUS PROSECUTION

14 Plaintiff incorporated paragraphs 1-13 of this complaint

15 The City of Philadelphia knew of Officer Hulmes illegal behavior when they allowed officer Hulmes to make the illegal arrest of Gilbert Nevarez

16 Officer Hulmes was acting under state law and with the knowledge of the city of Philadelphia when he made his illegal arrest

17 In August 2014 the City officially acknowledged Officer Hulmes false behavior

Count 4

CONSPIRACY

18. Plaintiff incorporates paragraphs 1-17 of this complaint

19. Officer Hulmes and the city Of Philadelphia engaged in a conspiracy to deprive the plaintiff of his civil rights

20 This conspiracy caused the plaintiff to serve 27 months in prison for false claims, the City acknowledged officer Hulmes false testimony in August 2014

Count 5

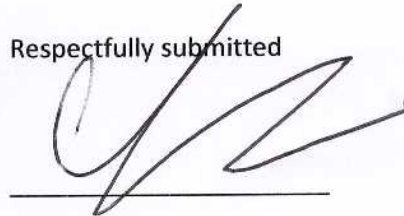
Intentional Infliction of Emotional Distress

21 The plaintiff incorporates paragraphs 1-20 of this complaint

22 The City Of Philadelphia and Officer Hulmes engaged in a conspiracy to cause emotional distress by imprisoning the plaintiff for 27 months for an illegal arrest which was acknowledged in August 2014

Wherefore The plaintiff requests a jury trial so the defendant may receive damages to compensate him for the City Of Philadelphia and Officer Hulmes illegal behavior.

Respectfully submitted

A handwritten signature in black ink, appearing to read "C. Jay Evarts", is written over a horizontal line.

Christopher Jay Evarts Esq